

Senate File 2288 - Reprinted

SENATE FILE 2288
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO SSB 3136)

(As Amended and Passed by the Senate February 23, 2010)

A BILL FOR

1 An Act relating to the duties and operations of the department
2 of education and local school boards.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 19B.11, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. It is the policy of this state to provide equal
4 opportunity in school district, area education agency, and
5 community college employment to all persons. An individual
6 shall not be denied equal access to school district, area
7 education agency, or community college employment opportunities
8 because of race, creed, color, religion, national origin,
9 sex, sexual orientation, gender identity, age, or physical or
10 mental disability. It also is the policy of this state to
11 apply affirmative action measures to correct deficiencies in
12 school district, area education agency, and community college
13 employment systems where those remedies are appropriate. This
14 policy shall be construed broadly to effectuate its purposes.

15 Sec. 2. Section 22.7, subsection 1, Code Supplement 2009,
16 is amended to read as follows:

17 1. Personal information in records regarding a student,
18 prospective student, or former student maintained, created,
19 collected or assembled by or for a school corporation or
20 educational institution maintaining such records. This
21 subsection shall not be construed to prohibit a postsecondary
22 education institution from disclosing to a parent or guardian
23 information regarding a violation of a federal, state, or
24 local law, or institutional rule or policy governing the use
25 or possession of alcohol or a controlled substance if the
26 child is under the age of twenty-one years and the institution
27 determines that the student committed a disciplinary violation
28 with respect to the use or possession of alcohol or a
29 controlled substance regardless of whether that information is
30 contained in the student's education records. This subsection
31 shall not be construed to prohibit a school corporation or
32 educational institution from transferring student records
33 electronically to the department of education, an accredited
34 nonpublic school, an attendance center, a school district, or
35 an accredited postsecondary institution in accordance with

1 section 256.9, subsection 47.

2 Sec. 3. Section 256.5A, Code 2009, is amended to read as
3 follows:

4 **256.5A Nonvoting member.**

5 1. The governor shall appoint the one nonvoting student
6 member of the state board for a term of ~~one year~~ two
7 years beginning and ending as provided in section 69.19. The
8 nonvoting student member shall be appointed from a list of
9 names submitted by the state board of education. Students
10 enrolled in ~~either grade ten or eleven~~ in a public school
11 may apply to the state board to serve as a nonvoting student
12 member.

13 2. The department shall develop an application process that
14 requires the consent of the student's parent or guardian if
15 the student is a minor, initial application approval by the
16 school district in which the student applicant is enrolled, and
17 submission of approved applications by a school district to the
18 department.

19 3. The nonvoting student member's school district of
20 enrollment shall notify the student's parents if the student's
21 grade point average falls during the period in which the
22 student is a member of the state board.

23 4. The state board shall adopt rules under chapter 17A
24 specifying criteria for the selection of applicants whose
25 names shall be submitted to the governor. Criteria shall
26 include, but are not limited to, academic excellence,
27 participation in extracurricular and community activities,
28 and interest in serving on the board. Rules adopted by the
29 state board shall also require, if the student is a minor,
30 supervision of the student by the student's parent or guardian
31 while the student is engaged in authorized state board business
32 at a location other than the community in which the student
33 resides, unless the student's parent or guardian submits to the
34 state board a signed release indicating the parent or guardian
35 has determined that supervision of the student by the parent or

1 guardian is unnecessary.

2 5. The nonvoting student member appointment is not subject
3 to section 69.16 or 69.16A.

4 6. The nonvoting student member shall have been enrolled
5 in a public school in Iowa for at least one year prior to the
6 member's appointment. ~~A nonvoting student member who will not~~
7 ~~graduate from high school prior to the end of a second term may~~
8 ~~apply to the state board for submission of candidacy to the~~
9 ~~governor for a second one-year term.~~

10 7. A nonvoting student member shall be paid a per diem as
11 provided in section 7E.6 and the student and the student's
12 parent or guardian shall be reimbursed for actual and necessary
13 expenses incurred in the performance of the student's duties as
14 a nonvoting member of the state board.

15 8. A vacancy in the membership of the nonvoting student
16 member shall not be filled until the expiration of the term.

17 Sec. 4. Section 256.9, subsections 25 and 26, Code
18 Supplement 2009, are amended by striking the subsections.

19 Sec. 5. Section 256.9, subsection 52, paragraph a, Code
20 Supplement 2009, is amended to read as follows:

21 a. Develop and distribute, in collaboration with the area
22 education agencies, core curriculum technical assistance
23 and implementation strategies that school districts and
24 accredited nonpublic schools shall utilize, including but
25 not limited to the development and delivery of formative and
26 ~~end-of-course model~~ end-of-course and additional assessments
27 classroom teachers may use to measure student progress
28 on the core curriculum adopted pursuant to section 256.7,
29 subsection 26. The department shall, in collaboration with the
30 advisory group convened in accordance with paragraph "b" and
31 educational assessment providers, identify and make available
32 to school districts model ~~end-of-course and additional model~~
33 ~~end-of-course~~ and additional assessments to align with the
34 expectations included in the Iowa core curriculum. The model
35 assessments shall be suitable to meet the multiple assessment

1 measures requirement specified in section 256.7, subsection 21,
2 paragraph "c".

3 Sec. 6. Section 256.10, subsection 2, Code 2009, is amended
4 to read as follows:

5 2. Appointments to the professional staff of the department
6 shall be made in accordance with section 216.6, subsection 1,
7 and shall be without reference to political party affiliation,
8 ~~religious affiliation, sex,~~ or marital status, but shall be
9 based solely upon fitness, ability, and proper qualifications
10 for the particular position. The professional staff shall
11 serve at the discretion of the director. A member of the
12 professional staff shall not be dismissed for cause without
13 ~~appropriate due process procedures including a hearing an~~
14 opportunity to meet with the director.

15 Sec. 7. Section 256.30, Code 2009, is amended to read as
16 follows:

17 **256.30 Educational expenses for American Indians.**

18 1. The department of education shall provide moneys to pay
19 the expense of educating American Indian children residing in
20 the Sac and Fox Indian settlement on land held in trust by
21 the secretary of the interior of the United States in excess
22 of federal moneys paid to the tribal council for educating
23 the American Indian children when moneys are appropriated for
24 that purpose. ~~The tribal council shall administer the moneys~~
25 ~~distributed to it by the department and shall submit an annual~~
26 ~~report and other reports as required by the department to the~~
27 ~~department on the expenditure of the moneys.~~

28 2. The tribal council shall administer moneys distributed
29 to it by the department of education as provided in subsection
30 1. The tribal council shall first use the moneys distributed
31 ~~to it by the department of education~~ for the purposes of this
32 section to pay the additional costs of salaries for licensed
33 instructional staff for educational attainment and full-time
34 equivalent years of experience to equal the salaries listed on
35 the proposed salary schedule for the school at the Sac and Fox

1 Indian settlement for that school year, but the salary for a
2 licensed instructional staff member employed on a full-time
3 basis shall not be less than eighteen thousand dollars.

4 3. The department of management shall approve allotments
5 of moneys appropriated in for purposes of this section ~~when~~
6 ~~the department of education certifies to the department of~~
7 ~~management that the requirements of this section have been met.~~

8 Sec. 8. Section 257.6, subsection 1, paragraph a,
9 subparagraphs (3) and (5), Code Supplement 2009, are amended
10 to read as follows:

11 (3) Shared-time and part-time pupils of school age enrolled
12 in public schools within the district, irrespective of the
13 districts in which the pupils reside, in the proportion that
14 the time for which they are enrolled or receive instruction for
15 the school year is to the time that full-time pupils carrying
16 a normal course schedule, at the same grade level, in the
17 same school district, for the same school year, are enrolled
18 and receive instruction. Tuition charges to the parent or
19 guardian of a shared-time or part-time nonresident pupil shall
20 be reduced by the amount of any increased state aid received by
21 the district by the counting of the pupil. This subparagraph
22 applies to pupils enrolled in grades nine through twelve under
23 section 299A.8 and to pupils from accredited nonpublic schools
24 accessing classes or services on the accredited nonpublic
25 school premises or the school district site, but excludes
26 accredited nonpublic school pupils receiving classes or
27 services funded by federal grants or allocations.

28 (5) Resident pupils receiving competent private instruction
29 from a licensed practitioner provided through a public
30 school district pursuant to chapter 299A shall be counted as
31 three-tenths of one pupil. Revenues received by a school
32 district attributed to a school district's weighted enrollment
33 pursuant to this paragraph shall be expended for the purpose
34 for which the weighting was assigned under this paragraph. If
35 the school district determines that the expenditures associated

1 with providing competent private instruction pursuant to
 2 chapter 299A are in excess of the revenue attributed to the
 3 school district's weighted enrollment for such instruction
 4 in accordance with this subparagraph, the school district
 5 may submit a request to the school budget review committee
 6 for modified allowable growth in accordance with section
 7 257.31, subsection 5, paragraph "n". A home school assistance
 8 program shall not provide moneys received pursuant to this
 9 subparagraph, nor resources paid for with moneys received
 10 pursuant to this subparagraph, to parents or students utilizing
 11 the program. Moneys received by a school district pursuant to
 12 this subparagraph shall be used as provided in section 299A.12.

13 Sec. 9. Section 257.31, subsection 2, Code Supplement 2009,
 14 is amended to read as follows:

15 2. The committee shall specify the number of hearings held
 16 annually, ~~the reasons for the committee's recommendations, a~~
 17 summary of decisions, information about the amounts of property
 18 tax levied by school districts for a cash reserve, and other
 19 information the committee deems advisable on the department of
 20 education's internet ~~website~~ site.

21 Sec. 10. Section 257.37, subsection 4, Code 2009, is amended
 22 to read as follows:

23 4. "*Enrollment served*" means the basic enrollment plus the
 24 number of nonpublic school pupils served with media services
 25 or educational services, as applicable, except that if a
 26 nonpublic school pupil or a pupil attending another district
 27 under a whole grade sharing agreement or open enrollment
 28 receives services through an area other than the area of the
 29 pupil's residence, the pupil shall be deemed to be served by
 30 the area of the pupil's residence, which shall by contractual
 31 arrangement reimburse the area through which the pupil actually
 32 receives services. Each school district shall include in
 33 the enrollment report submitted pursuant to section 257.6,
 34 subsection 1, the number of nonpublic school pupils within each
 35 school district for media and educational services served by

1 the area. However, the school district shall not include in
2 the enrollment report nonpublic school pupils receiving classes
3 or services funded by federal grants or allocations.

4 Sec. 11. Section 257B.33, Code 2009, is amended to read as
5 follows:

6 **257B.33 Suit — attorney fee.**

7 If the debtor does not comply with the notice, the auditor
8 shall report the noncompliance to the ~~county attorney,~~
9 ~~who shall~~ board of directors of the school district, which
10 may bring an action to recover the debt, and an injunction may
11 issue for cause, without bond when so petitioned, and there
12 shall be allowed in the judgment, entered and taxed as a part
13 of the costs in the case, a reasonable sum as compensation to
14 plaintiff's attorney, not exceeding the amount provided by law
15 for attorneys' fees.

16 Sec. 12. Section 259A.1, Code 2009, is amended to read as
17 follows:

18 **259A.1 Tests.**

19 The department of education shall cause to be made
20 available for qualified individuals a high school equivalency
21 diploma. The diploma shall be issued on the basis of
22 satisfactory competence as shown by tests covering all of the
23 following: ~~reading, arts, language arts, writing~~ language
24 arts-reading, language arts-writing, mathematics, science, and
25 social studies.

26 Sec. 13. Section 261E.8, subsection 5, Code Supplement
27 2009, is amended by striking the subsection.

28 Sec. 14. Section 273.3, subsection 12, Code Supplement
29 2009, is amended to read as follows:

30 12. Prepare an annual budget estimating income and
31 expenditures for programs and services as provided in sections
32 273.1 to 273.9 and chapter 256B within the limits of funds
33 provided under section 256B.9 and chapter 257. The board
34 shall give notice of a public hearing on the proposed budget
35 by publication in an official county newspaper in each county

1 in the territory of the area education agency in which the
 2 principal place of business of a school district that is a part
 3 of the area education agency is located. The notice shall
 4 specify the date, which shall be not later than March 1 of
 5 each year, the time, and the location of the public hearing.
 6 The proposed budget as approved by the board shall then be
 7 submitted to the state board of education, on forms provided
 8 by the department, no later than March 15 preceding the
 9 next fiscal year for approval. The state board shall review
 10 the proposed budget of each area education agency and shall
 11 before ~~April~~ May 1, either grant approval or return the budget
 12 without approval with comments of the state board included. An
 13 unapproved budget shall be resubmitted to the state board for
 14 final approval not later than ~~April~~ May 15. ~~For the fiscal~~
 15 ~~year beginning July 1, 1999, and each succeeding fiscal year,~~
 16 ~~the~~ The state board shall give final approval only to budgets
 17 submitted by area education agencies accredited by the state
 18 board or that have been given conditional accreditation by the
 19 state board.

20 Sec. 15. Section 273.23, subsection 5, Code 2009, is amended
 21 to read as follows:

22 5. The initial board, or new board if established in time
 23 under subsection 3, of the newly formed agency shall prepare an
 24 annual budget estimating income and expenditures for programs
 25 and services as provided in sections 273.1 through 273.9
 26 and chapter 256B within the limits of funds provided under
 27 section 256B.9 and chapter 257. The board shall give notice
 28 of a public hearing on the proposed budget by publication in
 29 an official county newspaper in each county in the territory
 30 of the area education agency in which the principal place
 31 of business of a school district that is a part of the area
 32 education agency is located. The notice shall specify the
 33 date, which shall not be later than March 1, the time, and
 34 the location of the public hearing. The proposed budget as
 35 approved by the board shall be submitted to the state board,

1 on forms provided by the department, no later than March 15
 2 for approval. The state board shall review the proposed
 3 budget of the newly formed area education agency and shall,
 4 before ~~April~~ May 1, either grant approval or return the budget
 5 without approval with comments of the state board included. An
 6 unapproved budget shall be resubmitted to the state board for
 7 final approval not later than ~~April~~ May 15. The state board
 8 shall give final approval only to budgets submitted by area
 9 education agencies accredited by the state board or that have
 10 been given conditional accreditation by the state board.

11 Sec. 16. Section 279.30, Code 2009, is amended to read as
 12 follows:

13 **279.30 Exceptions.**

14 Each payment must be made payable to the person entitled to
 15 receive the money or deposited directly into an account at a
 16 financial institution, as defined in section 527.2, specified
 17 by the person entitled to receive the money. The board of
 18 directors of a school district or an area education agency may
 19 by resolution authorize the secretary, upon approval of the
 20 superintendent or designee, or administrator, in the case of
 21 an area education agency, to issue payments when the board
 22 of directors is not in session in payment of reasonable and
 23 necessary expenses, but only upon verified bills filed with the
 24 secretary or administrator, and for the payment of salaries
 25 pursuant to the terms of a written contract. Each payment
 26 must be made payable only to the person performing the service
 27 or presenting the verified bill, and must state the purpose
 28 for which the payment is issued. All bills and salaries for
 29 which payments are issued prior to audit and allowance by the
 30 board must be passed upon by the board of directors at the next
 31 meeting and be entered in the regular minutes of the secretary.

32 Sec. 17. Section 279.42, Code 2009, is amended to read as
 33 follows:

34 **279.42 Gifts to schools.**

35 The board of directors of a school district ~~which~~ that

1 receives funds through ~~gifts, devises, and bequests~~ a gift,
2 devise, or bequest shall deposit ~~these~~ the funds in a trust
3 ~~and, permanent, or agency fund and shall use them~~ the funds in
4 accordance with the terms of the gift, devise, or bequest.

5 Sec. 18. Section 280.3, subsection 2, Code 2009, is amended
6 to read as follows:

7 2. The minimum educational program shall be the curriculum
8 set forth in subsection 3 of this section and section 256.11,
9 except as otherwise provided by law. The board of directors of
10 a public school district shall not allow discrimination in any
11 educational program on the basis of race, color, creed, sex,
12 ~~marital status,~~ sexual orientation, gender identity, or place
13 of national origin.

14 Sec. 19. Section 282.9, subsection 1, Code Supplement 2009,
15 is amended to read as follows:

16 1. Notwithstanding this chapter and sections 275.55A, and
17 256F.4, and 282.18, or any other provision to the contrary,
18 prior to knowingly enrolling an individual who is required
19 to register as a sex offender under chapter 692A, but who is
20 otherwise eligible to enroll in a public school, the board of
21 directors of a school district shall determine the educational
22 placement of the individual. Upon receipt of notice that a
23 student who is enrolled in the district is required to register
24 as a sex offender under chapter 692A, the board shall determine
25 the educational placement of the student. The tentative agenda
26 for the meeting of the board of directors at which the board
27 will consider such enrollment or educational placement shall
28 specifically state that the board is considering the enrollment
29 or educational placement of an individual who is required
30 to register as a sex offender under chapter 692A. If the
31 individual is denied enrollment in a school district under this
32 section, the school district of residence shall provide the
33 individual with educational services in an alternative setting.

34 Sec. 20. Section 282.18, subsection 4, Code Supplement
35 2009, is amended by adding the following new paragraph:

1 NEW PARAGRAPH. *Oc.* If a request for transfer is submitted
2 to the receiving district after March 1 of the preceding
3 school year on behalf of a pupil whose sibling is already
4 participating in open enrollment, the receiving district shall
5 take action to approve the request.

6 Sec. 21. Section 282.18, subsection 5, Code Supplement
7 2009, is amended to read as follows:

8 5. Open enrollment applications filed after March 1
9 of the preceding school year that do not qualify for ~~good~~
10 ~~cause~~ approval as provided in subsection 4 shall be subject
11 to the approval of the board of the resident district and
12 the board of the receiving district. The parent or guardian
13 shall send notification to the district of residence and the
14 receiving district that the parent or guardian seeks to enroll
15 the parent's or guardian's child in the receiving district. A
16 decision of either board to deny an application filed under
17 this subsection involving repeated acts of harassment of the
18 student or serious health condition of the student that the
19 resident district cannot adequately address is subject to
20 appeal under section 290.1. The state board shall exercise
21 broad discretion to achieve just and equitable results that are
22 in the best interest of the affected child or children.

23 Sec. 22. Section 284.10, subsection 2, Code 2009, is amended
24 to read as follows:

25 2. An administrator licensed under chapter 272 who conducts
26 evaluations of teachers for purposes of this chapter shall
27 complete the evaluator training program. A practitioner
28 licensed under chapter 272 who is not an administrator
29 may enroll in the evaluator training program. Enrollment
30 preference shall be given to administrators and to other
31 practitioners who are not beginning teachers. Upon successful
32 completion, the provider shall certify that the administrator
33 or other practitioner is qualified to conduct evaluations
34 for employment, make recommendations for licensure, and make
35 recommendations that a teacher is qualified to advance from one

1 career path level to the next career path level pursuant to
2 this chapter. Certification is for a period of five years and
3 may be renewed.

4 Sec. 23. Section 284A.2, subsection 2, Code Supplement
5 2009, is amended to read as follows:

6 2. "*Beginning administrator*" means an individual serving
7 under an ~~initial~~ administrator license, issued by the board
8 of educational examiners under chapter 272, who is assuming
9 a position as a school district ~~administrator~~ principal or
10 superintendent for the first time.

11 Sec. 24. Section 284A.5, subsections 3 and 5, Code 2009, are
12 amended to read as follows:

13 3. Each school board shall establish an administrator
14 mentoring program for all beginning administrators. The
15 school board may adopt the model program developed by the
16 department pursuant to subsection 2. Each school board's
17 beginning administrator mentoring and induction program
18 shall, at a minimum, provide for one year of programming to
19 support the Iowa standards for school administrators adopted
20 pursuant to section 256.7, subsection 27, and beginning
21 administrators' professional and personal needs. Each school
22 board shall develop ~~an initial~~ and implement a beginning
23 administrator mentoring and induction plan. The plan shall
24 describe the mentor selection process, describe supports for
25 beginning administrators, describe program organizational
26 and collaborative structures, provide a budget, provide
27 for sustainability of the program, and provide for program
28 evaluation. The school board employing an administrator shall
29 determine the conditions and requirements of an administrator
30 participating in a program established pursuant to this
31 section. A school board shall include its plan in the school
32 district's comprehensive school improvement plan submitted
33 pursuant to section 256.7, subsection 21.

34 5. By the end of a beginning administrator's first year of
35 employment, the beginning administrator may be comprehensively

1 evaluated to determine if the administrator meets expectations
2 to move to a ~~standard~~ professional administrator license,
3 where appropriate. The school district or area education
4 agency that employs a beginning administrator shall recommend
5 the beginning administrator for a ~~standard~~ professional
6 administrator license, where appropriate, if the beginning
7 administrator is determined through a comprehensive evaluation
8 to demonstrate competence in the Iowa standards for school
9 administrators adopted pursuant to section 256.7, subsection
10 27. A school district or area education agency may allow a
11 beginning administrator a second year to demonstrate competence
12 in the Iowa standards for school administrators if, after
13 conducting a comprehensive evaluation, the school district
14 or area education agency determines that the administrator
15 is likely to successfully demonstrate competence in the Iowa
16 standards for school administrators by the end of the second
17 year. Upon notification by the school district or area
18 education agency, the board of educational examiners shall
19 grant a beginning administrator who has been allowed a second
20 year to demonstrate competence a one-year extension of the
21 beginning administrator's initial license. An administrator
22 granted a second year to demonstrate competence shall undergo a
23 comprehensive evaluation at the end of the second year.

24 Sec. 25. Section 284A.6, subsection 2, Code 2009, is amended
25 to read as follows:

26 2. In cooperation with the administrator's evaluator, the
27 administrator who has a ~~standard administrator's~~ professional
28 administrator license issued by the board of educational
29 examiners pursuant to chapter 272 and is employed by a
30 school district or area education agency in a school
31 district administrative position, shall develop an individual
32 administrator professional development plan. The purpose
33 of the plan is to promote individual and group professional
34 development. The individual plan shall be based, at a minimum,
35 on the needs of the administrator, the Iowa standards for

1 school administrators adopted pursuant to section 256.7,
2 subsection 27, and the student achievement goals of the
3 attendance center and the school district as outlined in the
4 comprehensive school improvement plan.

5 Sec. 26. Section 284A.7, Code 2009, is amended to read as
6 follows:

7 **284A.7 Evaluation requirements for administrators.**

8 A school district shall conduct an evaluation of
9 an administrator who holds a standard professional
10 administrator license issued under chapter 272 at least once
11 every three years for purposes of assisting the administrator
12 in making continuous improvement, documenting continued
13 competence in the Iowa standards for school administrators
14 adopted pursuant to section 256.7, subsection 27, or to
15 determine whether the administrator's practice meets school
16 district expectations. The review shall include, at a minimum,
17 an assessment of the administrator's competence in meeting
18 the Iowa standards for school administrators and the goals of
19 the administrator's individual professional development plan,
20 including supporting documentation or artifacts aligned to the
21 Iowa standards for school administrators and the individual
22 administrator's professional development plan.

23 Sec. 27. Section 284A.8, Code Supplement 2009, is amended
24 to read as follows:

25 **284A.8 Beginning administrator mentoring and induction**
26 **program — program funds.**

27 1. To the extent moneys are available, a school district
28 shall receive one thousand five hundred dollars per beginning
29 administrator participating in the program. ~~If the funds~~
30 ~~appropriated for the program are insufficient to pay mentors~~
31 ~~and school districts as provided in this section, the~~
32 ~~department shall prorate the amount distributed to school~~
33 ~~districts based upon the amount appropriated.~~ Moneys received
34 by a school district pursuant to this section shall be expended
35 to provide each mentor with an award of five hundred dollars

1 per semester, at a minimum, for participation in the school
 2 district's beginning administrator mentoring and induction
 3 program; to implement the plan; and to pay any applicable costs
 4 of the employer's share of contributions to federal social
 5 security and the Iowa public employees' retirement system or a
 6 pension and annuity retirement system established under chapter
 7 294, for such amounts paid by the district.

8 2. If the funds appropriated for the program are
 9 insufficient to pay mentors and school districts as provided
 10 in this section, the department shall prorate the amount
 11 distributed to school districts based upon the amount
 12 appropriated. A school district shall give priority to fully
 13 funding the obligation to principal mentors. Remaining moneys,
 14 if any, shall first be used to fund superintendent mentors and
 15 then to fund other program costs and applicable costs described
 16 in subsection 1.

17 Sec. 28. Section 285.9, Code 2009, is amended by adding the
 18 following new subsection:

19 NEW SUBSECTION. 5. Review all transportation disputes
 20 between districts. If the affected districts are located in
 21 more than one area education agency, the area education agency
 22 in which the affected district with the greatest certified
 23 enrollment is located shall be the reviewing agency. In
 24 resolving disputes between districts, the reviewing agency
 25 board shall, after receiving all facts, make such alterations
 26 or changes as necessary to make the arrangements, designations,
 27 and contracts conform to the legal and established requirements
 28 and shall notify each affected local school board of such
 29 action. An affected district may appeal the decision of the
 30 agency board to the director of the department of education by
 31 following the timelines and procedures in section 285.12.

32 Sec. 29. Section 291.1, Code 2009, is amended to read as
 33 follows:

34 **291.1 President — duties.**

35 The president of the board of directors shall preside at

1 all of its meetings, sign all contracts made by the board,
 2 and appear ~~in~~ on behalf of the corporation in all actions
 3 brought by or against it, unless individually a party, in
 4 which case this duty shall be performed by the secretary.
 5 The president or the president's designee shall sign, using
 6 an original or facsimile signature, all school district
 7 ~~warrants payments~~ drawn and authorize electronic funds
 8 transfers as provided by law. The board of directors, by
 9 resolution, may designate an individual, who shall not be the
 10 secretary, to sign ~~warrants payments~~ or authorize electronic
 11 funds transfers on behalf of the president.

12 Sec. 30. Section 291.6, subsection 3, Code 2009, is amended
 13 by striking the subsection and inserting in lieu thereof the
 14 following:

15 3. *Accounting records.* Keep an accurate accounting record
 16 of each payment or electronic funds transfer from each fund
 17 which shall be provided monthly to the board of directors. The
 18 secretary of the creditor district shall prepare and deliver to
 19 debtor districts an itemized statement of tuition fees charged
 20 in accordance with sections 275.55A and 282.11, and section
 21 282.24, subsection 1.

22 Sec. 31. Section 291.6, subsection 4, Code 2009, is amended
 23 to read as follows:

24 4. *Claims.* Keep an accurate ~~account~~ accounting of all
 25 expenses incurred by the corporation, and present the same to
 26 the board for audit and payment.

27 Sec. 32. Section 291.7, Code 2009, is amended to read as
 28 follows:

29 **291.7 Monthly receipts, disbursements, and balances.**

30 The secretary of each district shall file monthly with
 31 the board of directors a complete statement of all receipts
 32 and disbursements from ~~the various funds~~ each individual
 33 fund during the preceding month, and also the balance remaining
 34 on hand in ~~the various funds~~ each individual fund at the
 35 close of the period covered by the statement, which monthly

1 statements shall be open to public inspection.

2 Sec. 33. Section 291.8, Code 2009, is amended by striking
3 the section and inserting in lieu thereof the following:

4 **291.8 Payments.**

5 The secretary shall make each authorized payment,
6 countersign using an original or facsimile signature, and
7 maintain accounting records of the payments or electronic funds
8 transfers, showing the number, date, payee, originating fund,
9 the purpose, and the amount, and shall provide to the board at
10 each regular annual meeting a copy of the accounting records
11 maintained by the secretary.

12 Sec. 34. Section 291.12, Code 2009, is amended to read as
13 follows:

14 **291.12 Duties of treasurer — ~~payment of warrants~~ payments.**

15 The treasurer shall receive all moneys belonging to the
16 corporation, pay the same out only upon the order of the
17 president countersigned by the secretary, ~~keeping and shall~~
18 keep an accurate account accounting record of all receipts
19 and expenditures ~~in a book provided for that purpose~~. The
20 treasurer shall register all ~~orders drawn~~ payments and
21 electronic funds transfers made and reported to the treasurer
22 by the secretary, showing the number, date, to whom drawn, the
23 fund ~~upon from which drawn~~ each payment and transfer was made,
24 the purpose and amount.

25 Sec. 35. Section 291.14, Code 2009, is amended to read as
26 follows:

27 **291.14 Financial statement.**

28 The treasurer shall render a statement of the finances of the
29 corporation whenever required by the board, and the treasurer's
30 ~~books~~ accounting records shall always be open for inspection.

31 Sec. 36. Section 298A.13, Code 2009, is amended to read as
32 follows:

33 **298A.13 Trust, permanent, or agency funds.**

34 Trust, permanent, or agency funds shall be established by
35 any school corporation to account for gifts it receives to

1 be used for a particular purpose or to account for money and
2 property received and administered by the district as trustee
3 or custodian or in the capacity of an agent. Boards may
4 establish trust ~~and~~, permanent, or agency funds as necessary.

5 Sec. 37. Section 299A.11, Code 2009, is amended to read as
6 follows:

7 **299A.11 Student records confidential.**

8 Notwithstanding any provision of law or rule to the
9 contrary, personal information in records regarding a child
10 receiving competent private instruction pursuant to this
11 chapter, which are maintained, created, collected, or assembled
12 by or for a state agency, shall be kept confidential in
13 the same manner as personal information in student records
14 maintained, created, collected, or assembled by or for a school
15 corporation or educational institution in accordance with
16 section 22.7, subsection 1. For purposes of this section,
17 "personal information in records regarding a child receiving
18 competent private instruction" shall include the child's
19 name and home address as well as all other information that
20 personally identifies the child.

21 Sec. 38. NEW SECTION. **299A.12 Home school assistance**
22 **program.**

23 1. The board of directors of a school district may expend
24 moneys received pursuant to section 257.6, subsection 1,
25 paragraph "a", subparagraph (5), for purposes of providing a
26 home school assistance program.

27 2. Purposes for which a school district may expend funds
28 received pursuant to section 257.6, subsection 1, paragraph
29 "a", subparagraph (5), shall include but not be limited to the
30 following:

31 a. Assisting parents with instruction.

32 b. Student and teaching-parent support services and staff
33 support services.

34 c. Salary and benefits for the supervising teacher of
35 the home school assistance program students. If the teacher

1 is a part-time home school assistance program teacher and a
2 part-time regular classroom teacher, funds received pursuant to
3 section 257.6, subsection 1, paragraph "a", subparagraph (5),
4 may be used only for the portion of time in which the teacher is
5 a home school assistance program teacher.

6 *d.* Salary and benefits for clerical and office staff of
7 the home school assistance program. If the staff members are
8 shared with other programs or functions within the district,
9 funds received pursuant to section 257.6, subsection 1,
10 paragraph "a", subparagraph (5), shall only be expended for
11 the portion of time spent providing the home school assistance
12 program services.

13 *e.* Staff development for the home school assistance program
14 teacher.

15 *f.* Travel for the home school assistance program teacher.

16 *g.* Resources, materials, computer software and hardware,
17 and supplies, and purchased services that meet the following
18 criteria:

19 (1) Are necessary to provide the services of home school
20 assistance.

21 (2) Are retained as the possessions of the school district
22 for its prekindergarten through grade twelve home school
23 assistance program.

24 3. Purposes for which a school district shall not expend
25 funds received pursuant to section 257.6, subsection 1,
26 paragraph "a", subparagraph (5), include but are not limited to
27 the following:

28 *a.* Indirect costs or use charges.

29 *b.* Operational or maintenance costs in addition to the cost
30 of maintaining school district facilities.

31 *c.* Capital expenditures.

32 *d.* Student transportation except in cases of home school
33 assistance program-approved field trips or other educational
34 activities.

35 *e.* Administrative costs.

1 *f.* Concurrent enrollment program costs and postsecondary
2 enrollment options program costs.

3 *g.* Any other expenditures not directly related to providing
4 the home school assistance program. A home school assistance
5 program shall not provide moneys to parents or students
6 utilizing the program.

7 Sec. 39. Section 321.1, subsection 69, unnumbered paragraph
8 1, Code Supplement 2009, is amended to read as follows:

9 “*School bus*” means every vehicle operated for the
10 transportation of children to or from school or school
11 activities, except vehicles which are:

12 Sec. 40. Section 321.1, subsection 69, paragraph d, Code
13 Supplement 2009, is amended to read as follows:

14 *d.* Designed to carry not more than nine persons as
15 passengers, either school owned or privately owned, which
16 ~~are used to transport pupils to activity events in which the~~
17 ~~pupils are participants or used to transport pupils to their~~
18 homes in case of illness or other emergency situations. The
19 vehicles operated under the provisions of this paragraph
20 shall be operated by employees of the school district who are
21 specifically approved by the local superintendent of schools
22 for the assignment.

23 Sec. 41. Section 321.373, subsection 1, Code 2009, is
24 amended to read as follows:

25 1. Every school bus ~~except private passenger vehicles~~
26 ~~used as school buses~~ as defined in section 321.1, subsection
27 69, shall be constructed and equipped to meet safety standards
28 prescribed in rules adopted by the state board of education.
29 Such rules shall conform to safety standards set forth in
30 federal laws and regulations and shall conform, insofar
31 as practicable, to the minimum standards for school buses
32 recommended by the national conference on school transportation
33 administered by the national commission on safety education and
34 published by the national education association.

35 Sec. 42. Section 321.376, Code Supplement 2009, is amended

1 by adding the following new subsection:

2 NEW SUBSECTION. 3. The provisions of this section relating
3 to a certificate of qualification and approved course of
4 instruction shall not apply to a person driving a vehicle
5 designed to carry not more than nine persons as passengers,
6 either school owned or privately owned, used to transport
7 pupils to school activities or events.

8 Sec. 43. Section 321.379, Code 2009, is amended to read as
9 follows:

10 **321.379 Violations.**

11 No school board, individual, or organization shall purchase,
12 construct, or contract for use, to transport pupils to or
13 from school or school activities, any school bus which does
14 not comply with the minimum requirements of section 321.373
15 and any individual, or any member or officer of such board or
16 organization who authorizes, the purchase, construction, or
17 contract for any such bus not complying with these minimum
18 requirements shall be guilty of a misdemeanor punishable as
19 provided in section 321.482.

20 Sec. 44. Section 321J.3, subsection 1, paragraph c, Code
21 2009, is amended to read as follows:

22 c. The court may prescribe the length of time for the
23 evaluation and treatment or it may request that the community
24 college or other approved provider conducting the course
25 for drinking drivers which the person is ordered to attend
26 or the treatment program to which the person is committed
27 immediately report to the court when the person has received
28 maximum benefit from the course for drinking drivers or
29 treatment program or has recovered from the person's addiction,
30 dependency, or tendency to chronically abuse alcohol or drugs.

31 Sec. 45. Section 321J.17, subsection 2, paragraph b, Code
32 2009, is amended to read as follows:

33 b. The court or department may request that the community
34 college or substance abuse treatment providers licensed under
35 chapter 125 or other approved provider conducting the course

1 for drinking drivers that the person is ordered to attend
2 immediately report to the court or department that the person
3 has successfully completed the course for drinking drivers.
4 The court or department may request that the treatment program
5 which the person attends periodically report on the defendant's
6 attendance and participation in the program, as well as the
7 status of treatment or rehabilitation.

8 Sec. 46. Section 321J.22, subsection 1, Code 2009, is
9 amended by adding the following new paragraph:

10 NEW PARAGRAPH. *Oa.* "*Approved provider*" means a provider of
11 a course offered outside this state for drinking drivers which
12 has been approved by the department of education.

13 Sec. 47. Section 321J.22, subsection 2, Code 2009, is
14 amended by adding the following new paragraph:

15 NEW PARAGRAPH. *Od.* The department of education may approve
16 a provider of a course offered outside this state for drinking
17 drivers upon proof to the department's satisfaction that the
18 course is comparable to those offered by community colleges,
19 substance abuse treatment programs licensed under chapter 125,
20 and state correctional facilities as provided in this section.
21 The department shall comply with the requirements of subsection
22 5 regarding such approved providers.

23 Sec. 48. Section 331.756, subsection 7, Code 2009, is
24 amended to read as follows:

25 7. Give advice or a written opinion, without compensation,
26 to the board and other county officers and to ~~school~~
27 ~~and~~ township officers, when requested by an officer, upon
28 any matters in which the state, county, ~~school~~, or township
29 is interested, or relating to the duty of the officer in any
30 matters in which the state, county, ~~school~~, or township may
31 have an interest, but the county attorney shall not appear
32 before the board at a hearing in which the state or county is
33 not interested.

34 Sec. 49. Section 331.756, subsection 54, Code 2009, is
35 amended by striking the subsection.

1 Sec. 50. REPEAL. Sections 256.20 and 256.23, Code 2009,
2 are repealed.

3 Sec. 51. STATE MANDATE FUNDING SPECIFIED. In accordance
4 with section 25B.2, subsection 3, the state cost of requiring
5 compliance with any state mandate included in this Act shall
6 be paid by a school district from state school foundation aid
7 received by the school district under section 257.16. This
8 specification of the payment of the state cost shall be deemed
9 to meet all of the state funding-related requirements of
10 section 25B.2, subsection 3, and no additional state funding
11 shall be necessary for the full implementation of this Act
12 by and enforcement of this Act against all affected school
13 districts.